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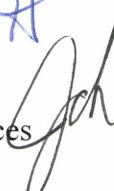
TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

January 11, 2012

TO: Internal File

THRU: Daron Haddock, Coal Program Manager 

FROM: Joe Helfrich, Land use, Biology, Cultural Resources 

RE: Draft Environmental Impact Statement Comments, Alton Coal Development, LLC, Coal Hollow Mine, C/025/0005, Task ID # 3949

SUMMARY:

The U S Department of the Interior / Bureau of Land Management (BLM) has prepared a **DRAFT** environmental impact statement (DEIS) for the Alton Coal Tract Lease by Application (LBA). As a cooperating agency the Division has been given the opportunity to review and provide comments on the information contained in this draft EIS.

This memo will include a review of the Land use, Air Quality, Biology and Cultural Resource sections of the draft EIS identified in chapters one through four.

The following comments address sections in the DEIS as they are referenced in the section headers of the document.

ES 1.6.2 Air Resources

In the areas of 200-300 feet of overburden it is estimated that air quality standards for PM10 and NO2 would be violated. Is it economically feasible for the company to mine under these conditions? Perhaps that is addressed in another section of this document or the R2 P2. Most surface mines typically have less than 100' of overburden. As I'm sure BLM is aware the company would have to demonstrate that they could meet air quality standards prior to obtaining a permit from DEQ.

2.4.2.3 Sage Grouse Timing Restrictions

We may not want to limit ourselves to just block S for these restrictions as the permittee and perhaps BLM and DWR will have additional data on the birds by the time the PAP hits our doorstep.

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The .5 mile buffer in appendix 3-5 is smaller than what is currently recommended by consulting agencies. Language that doesn't limit the agencies recommended buffers should be used in the DEIS and lease stipulations.

4.2.3.4 Alternative C: Reduced Tract Acreage and Seasonal Restrictions

The closure periods and buffer distances should be included as lease stipulations.

If the mining sequence includes the increased development of two pits, (240 acres), the permittee would be required to revise their current mine plan as it currently allows for only 40 acres of pit disturbance. This should be a lease stipulation also.

4.2.5 Potential Mitigation Measures

Items listed in this section also make good lease stipulations.

4.3.1.3 Alternative C: Reduced Tract Acreage and Seasonal Restrictions

Generally, the rule of thumb for surface mining is 10 feet of overburden to 1 foot of coal. What mining methods are proposed to mine at depths of 200'-300'? These depths of overburden typically require a dragline and loader operation. How much surface disturbance will be exposed during any given time of the mining operations? Right now ACD is limited to 40 acres of pit disturbance. Where is the 200'-300' of overburden going to be stored and how is the mine going to achieve approximate original contour, (AOC), in both the area they store the waste rock and the area they reclaim, after they mine through the area?

4.4 Cultural Resources

ACD currently has a CRMP and data recovery plan for the permitted portion on private land. This plan could and should dovetail with the CRMP and data recovery plan for the federal PAP.

4.4.1 Regulatory Framework

Another lease stipulation might include onsite monitoring during topsoil removal. ACD has committed to that in their current permit. What does the BLM have in mind for enforcing the lease stipulations once the LBA is awarded and they are incorporated into the DOGM permit?

Again economic feasibility, (in the areas of 200-300' of overburden), should play a key role in the development of the CRMP and data recovery plans.

4.8 Land Use and Access

In addition to grazing and recreation in the SMCRA permit there is also wildlife. Maybe this was picked up in another section but there are a number of wildlife species not just the livestock that would also be displaced during the life of the mine. Shouldn't this section of the document focus on the displacement of these species and their habitats as well? Mitigation measures as well as lease stipulations should be included in this section.

4.15.3.3.2 Upland Areas

The last sentence on page 4-111 might be more appropriate to the sequence of surface mining and reclamation activities if it were to read "*Active restoration would be needed as surface mining operations progress and the land has been regraded*". This captures the surface mining requirement of reclaiming as contemporaneously as practicable.

4.17 Wildlife and Special Status Species

4.17.1.2 Lease Stipulations

These are great and they parallel a number of our regulations.

Page 4-134, the 4th stipulation up from the bottom states that "*Where practicable* avoid storing mining-generated spoil and topsoil stockpiles on intact sagebrush stands". The phrase "*Where practicable*" should be deleted where ever it is used in the DEIS. Also bear in mind that storage of anything on an undisturbed area is a violation of SMCRA.

4.17.8 Potential Mitigation Measures

Mitigation measures could also include solar powered flashing signs at critical crossings during migration periods for deer and elk, (personal communication with Dustin Schaible DWR).

RECOMMENDATIONS & CONCLUSIONS:

The above comments should be submitted during the BLM's public commenter period ending on January 27, 2012. Hats off to all those who participated in the preparation and compilation of this document, it is very well written, covers a lot of material and will be valuable during the SMCRA permit review process.

BLM and DOGM need to develop a protocol for seeing that the lease stipulations once incorporated into the SMCRA permit are properly implemented.